IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (C) No. 4562 of 2005

1. Bishun Singh
2. Manki Singh --- --- Petitioners

Versus

1. The State of Jharkhand
2. The Member Board of Revenue, Ranchi
3. Indradeo Singh
4. Umesh Singh
5. Most. Sunita Devi --- ---- Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioners : Mr. Arbind Kr. Sinha,
Mr. Jitesh Kumar, Advocates
For the Respondent nos. 1-2 : Mr. Ashish Verma, J.C. to SC (LC)
For the Respondent nos. 3-4 : Mr. Baleshwar Yadav, Advocate

13/18.09.2014 Challenging order dated 16.04.2005 in L.C. Revision Case No. 35 of 2003, the petitioners have approached this Court.

2. The learned counsel appearing for the petitioners submits that, L.C. Case No. 2 of 1995-96 was preferred by the private respondent which was dismissed vide order dated 14.12.1995. Against the said order, L.C. Case No. 170 of 2000 was preferred by the respondent nos. 3 and 4, which was dismissed on the ground of delay vide order 20.11.2001. The L.C. Revision Case No. 6 of 2002 was filed, which was allowed vide order dated 08.06.2002 and the matter was remitted back to the Appellate Authority. Accordingly, L.C. Appeal Case No. 114 of 2002 was registered, which has been allowed vide order dated 10.05.2003. The petitioners preferred L.C. Revision Case No. 35 of 2003 which has been dismissed by the impugned order dated 16.04.2005 only on the ground of delay.

3. Mr. Baleshwar Yadav, the learned counsel appearing for the respondent nos. 3 and 4 submits that though the Revision

Case No. 35 of 2003 has been dismissed only on the ground of delay, the Appellate Court has given adequate reasons for allowing the appeal of the respondent nos. 2 and 3 and therefore, remanding the matter back to the Revisional Authority would be a futility.

4. Considering the facts the circumstances in the case, I find that the initial proceeding initiated by the respondent nos. 3 and 4 was dismissed. After remand, the Revisional Court remitted the matter back to the Appellate Authority which allowed the appeal preferred by the respondent nos. 3 and 4. The Revision preferred by the petitioners has been dismissed only on the ground of delay. The Revisional Court has failed to take into consideration the above facts. It is well settled that the statutory appeal/revision should not be dismissed only on the ground of limitation. A right to appeal/revision is a creation of statute and such right should not be taken away lightly. The Revisional Court was required to consider the extent of injury, the stake of the parties and the irreparable loss which would be caused to a party to the proceeding.

5. I am of the opinion that it would serve the interest of justice, if the impugned order is set-aside and the matter is remitted to the Revisional Court. The parties are directed to appear before the Revisional Court on 20.10.2014.

6. This writ petition is allowed with the aforesaid direction.

(Shree Chandrashekhar, J.)

Tanuj/-